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U.S. DISTRICT COURT  
AT \_\_\_\_\_ M  
  
MAR 28 1979  
William L. Olson, Clerk  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONALD JOHNSON, SR., ) CV77-L-251

Plaintiff, )

v. )

JOSEPH VITEK, et. al., )

Defendants. )

RESPONSE TO REQUEST FOR  
PRODUCTION OF DOCUMENTS

COME NOW the defendants, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and make the following response in regard to a Request for Production of Documents, mailed on March 7, 1979:

1. All medical records, reports, pharmacists and nurses notes, and all other notes or memoranda pertaining to the physical and mental condition of Donald Johnson, Sr., Inmate #30484, made or received since March 23, 1978.

Copies of these records are attached, pursuant to an order of the court dated October 24, 1978, that the medical records of the plaintiff may be made available to the plaintiff's attorney without any additional orders. The records are tendered with the understanding that they will not be made available to the plaintiff himself.

2. All notes, records, memoranda or reports pertaining to any and all disciplinary action pertaining to Donald Johnson, Sr., Inmate #30484, done by or on behalf of Nebraska Penal and Correctional Complex since March 23, 1978.

Such records are part of the plaintiff's institutional file. Under Neb.Rev.Stat. §83-178 (Reissue 1976), they are confidential and cannot be disclosed except on order of the court for good cause shown and shall not be accessible to any person committed to the department. Therefore such records cannot be voluntarily disclosed by the defendants and are not included with this Response to plaintiff's Request for Production of Documents.

Respectfully submitted,

JOSEPH VITEK, et. al., defendants,

By PAUL L. DOUGLAS  
Attorney General

By

*Marilyn B. Hutchinson*  
Marilyn B. Hutchinson  
Assistant Attorney General  
2115 State Capitol  
Lincoln, Nebraska 68509  
Tel. (402) 471-2682

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response to Request for Production of Documents was served on the plaintiff by mailing a copy of it to his attorney, Mr. Douglas L. Kluender, 1141 H Street, Lincoln, Nebraska 68508, with sufficient first class postage attached on this 22nd day of March, 1979.

Marilyn A. Hutchinson  
Marilyn A. Hutchinson  
Assistant Attorney General